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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,645	10/31/2003	Benjamin Michael Witte	15832D-US	3779
7590 04/09/2004				
Deere & Company One John Deere Place Moline, IL 61265-8098		EXAMINER WINNER, TONY H		
		ART UNIT PAPER NUMBER 3611		
DATE MAILED: 04/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/698,645	WITTE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tony H. Winner	3611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-11, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/31/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cover to close the opening in the cargo box of claim 11 must be shown or the feature canceled from the claim. Also, the draw bar of claim 15 must be identified in the drawings and the specification (element number). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Works et al. (US. patent 5,016,898).

Works discloses a truck comprising:

a. A chassis including front and rear axles, the rear axle being a drive axle (typically trucks either rear wheel drive or four-wheel-drive) having a pair of drive wheels attached thereto (figure 1),

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- b. An operator's station having a seat for an operator,
- c. A cargo box supported by the chassis generally above the rear axle, the cargo box having a floor and upright walls (figure 1),
- d. A hitch ball mounted above the rear axle for attachment of a trailer to the truck,
- e. The hitch ball is removably mounted above the rear axle, and extends upward through an opening in the floor of the cargo box.

With regard to claims 9 and 10, Works is disclosed above meets all of the limitations.

With regard to claim 11, Works discloses a cover (31) to close the opening in the cargo box floor when the hitch ball is removed from the engaged position (figure 5).

**Note:** Merriam-Webster' Collegiate Dictionary 'Tenth Edition' defines the word "**tractor**" as either a truck or vehicle used for drawing farm equipment. Therefore, the reference above meets the claimed limitation in its broadest interpretation.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Works in view of Gibbons (US. patent 5,975,216).

Works is disclosed above but lacks the draw bar extending rearward from the axle.

Gibbons discloses a truck with a first hitch assembly (hitch receiver 33 14) and a second alternative hitch assembly (three point hitch 12) so as to provide the truck with the capability to connect to different towing attachment.

Based on the teaching of Gibbons, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the truck of Work to include the three point hitch of Gibbons so as to provide the truck with the capability to connect to different towing attachment.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Works in view of Herbold (US. patent 5,709,274).

Works is disclosed above but lacks the draw bar extending rearward from the axle.

Herbold discloses a tractor with a first hitch assembly (two point hitch 14) and a second alternative hitch assembly (draw bar 12) so as to provide the tractor with the ability to connect with different towing attachment (see figures 1 and 2).

Based on the teaching of Herbold, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the truck of Work to include the draw bar of Herbold so as to provide the truck with the capability to connect to different towing attachment.

***Allowable Subject Matter***

5. Claims 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moore et al. ('328), Shambeau et al. ('067), and Mann et al. ('274) are cited of interest.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris, can be reached at (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
**TONY WINNER**  
**PATENT EXAMINER**

April 2, 2004